

(1933) Department.

SERIES.

G.O. No. 2186

DATED 30-11-33

ENCLOSURES.

No. One
Spare copies.....

Ref. No. 972/29432

Station Bellary., Dated the 27th April 1932. 1

From (Name) M.R.Ry. C. Balaji Rao Garu, B.A.B.L.,
(Designation) Chairman Municipal Council Bellary

To The Secretary to the Government of Madras,

Local Self Government Department.

Madras

Sir,

The Council as a measure of augmenting the re-
sources of the Municipality, resolved to sell away one
Municipal Choultry building situated in the goldsmiths
in public auction as it is not at all used as choultry
rented out on a monthly rental of Rs 2/- per mensem. In-
formation was called for, from the public works department
to the probable value that ^{it} is likely to fetch and I
informed that it may fetch about Rs 2000/- if sold in p
auction.

thereof exceeds Rs 500/-

I therefore request you to kindly accord your sanction for the sale at an early date as all the further formalities that are to be gone through, have to be so done only after the receipt of the sanction of the Government.

A copy of the Council's resolution authorising the said sale is herewith-enclosed for the information of the Government.

p3 info

Sale of Choultry by the side of Basith Saib's Choultry.

Resolution:- Approved.

Coro. 16953 from the C.O.C. B.
Ref. No. 972/294/328/27

Sale of Dumb Choud
Building in Gold Street
by public auction
Bellary Municipality

End No. 10,537.00 (Am)
10,572
Referred to the C.O.C.
of Bellary for early res.

From (Name) F.W. Stewart Esq., C.I.E., I.C.S.,

(Designation) Collector of Bellary

Post Box _____, (Station) _____ Bellary

Telegraphic Address _____ 44140 8/10

To The Secretary to Government,

Local Self Government Department,

Madras

D.Dis.C. No. 2548/32, dated 5.10.32 1^a

Sir.

Buildings - sale of Municipal choultry - goldsmith street, Bellary.

Ref. Government Endorsement No. 16953.1.C L & M.,
dated 10.5.32.

There is nothing on record to show how the Bellary municipality got possession of the choultry in question. The choultry building does not find a place in the register of immoveable property maintained by the Chairman, Municipal Council, Bellary. From the report of the Chairman, Municipal Council, Bellary Ref.G.C. 972 dated 21.9.32 (copy enclosed) it is clear that the building has been in possession of the municipal council since 1919 from which year a monthly rent of 2/- is being collected.

choultry in Goldsmith street -

Ref. Your O.No. 2548/S2 L.5 dated 15.6.62.

The choultry in question does not find a place in the register of immoveable property register maintained in this office. A thorough search into the old records of this office has been made and I find therefrom that the building was in possession of the council even so far back as 1919 from which year there are accounts to show that a monthly rent of Rs.2 was being collected on it. Beyond this there is no other information available in this office, to trace back to the date of original possession of the building. My information is that the choultry had been with the council even long before 1919 say from the year 1900 onwards. The pity of it is that old records have all been destroyed and there is no entry in the immoveable register.

True copy

OM N^o 32491 P82.2 D 29.10.32

Buildings - (Bellary
Bellary Tk town - Municipal
choultry - Sale

From the C.M.C. Bella
Refce. G. N^o 972 / 22432 D 224.

In his refce read a
(Copy enclosed) the C.M.C.B.
requests the sanction of Gov
for ^{the sale} ~~selling~~ in public auction
building which is alleged
be a municipal choultry
which is situated in the Go

(i) whether the land on which the building stands or the land revenue thereon was ever alienated in favour of the municipal council, & if not, why an application for alienation was not obtained by the Collr as laid down in para 2 of G.O. 1st 1839 Rev. D 29-8-31,

(ii) whether the proposal is to sell the land also along with the building, & if no, to report the extent of market value of the land & the market value of the building separately, and

(iii) whether it is not possible to ascertain ~~from enquiry~~ ^{by whom the Charity has} the town ~~as to~~ ^{obtained} how & when the municipality ~~got~~ possession of

Received CURRENT No. 613 F 73 Registered 13233 192

Subj

Buildings - (Bellary) - Bellary Taluk and Town - Choultry -
Municipal Council - Sale.

ENCLOSURES

No.

Spare copies.

Reference B. No. 6120/32-2.

Station Madras, Dated the 10th February 1933

From
A.R. MacEwen Esq., M.C., I.C.S.
Secretary,

Land Revenue. and
The Board of Revenue, Revenue Settlement, etc
Separate Revenue.

Resolution
Reference.

which the building stands or the land revenue thereon was not alienated in favour of the Municipal Council as it has not been separately sub-divided and shown in the village accounts as belonging to the Municipality. G.O. No. 1839, Revenue, dated 27th August 1931 was communicated as a matter of routine to the Revenue Divisional Officers and now action it will be called for and supervised.

2. Paragraph 2 (ii) of Government Memorandum.- The proposal is to sell the land also along with the building. The actual extent on which the building stands is 12 yards by 9 yards i.e. 108 sq. yards. This is the extent occupied by the stone masonry of the choultry. There is an open ^{space} ~~space~~ measuring 7 yards by 12 yards or 84 sq. yards in front of the building. Hence the total measures 192 sq. yards. The market value of the site is estimated at 4 annas per sq- yard. The value of the building together with the site on which the building is situated is estimated at Rs.1,000/-. The market value of the land is Rs.48 and that of the building Rs.952/-. The Chairman, Municipal Council, Bellary has, in his letter Ref. C. 972 dated 21st September 1932, stated that according to the records of his office the building was in possession of the Council even so far back as 1919 and that he has no records to prove the Council's possession prior to the year 1919 though according to his information the Council has been in possession of the building from the year 1905 onwards. The record of enquiry made by the Tahsildar, Bellary, shows that the choultry has been in possession of the Municipal Council only for the last 13 years. Thus it is clear that the Municipal Council has not acquired adverse possession of 60 years against Government and it cannot therefore undertake to sell the land or the building for its own benefit without proving its title to them.

3. Paragraph 2 (iii) of Government Memorandum. Some

matter state that the choultry appears to have been considered more than 100 years ago and that they were being told by their fathers or forefathers that the choultry belonged to Government. They are unable to state by whom it was constructed. Prior to the year 1919 the choultry was being occupied by poor people. As it was an unclaimed property the Municipality appears to have taken possession of it in or about the year 1919 and permitted Imamuddin, a contractor, to occupy it on payment of a monthly rent of Rs. 20 to the Municipality without the approval of a competent Revenue authority.

4. Proposals are being called from the Tahsildar, Bellary for taking necessary action under Regulation VII of 1817 (Madras) and a final report will be submitted to the Government in the matter in due course.

From

The 1st Asst.
Bd of Rev

To

Suplt. Rev F.

Ref Bd's Refce No B/6120-322 of 10.2.33
Chowdhry Bellary. Municipal Council
Sale.

In the collector's letter submitted
with the above reference, please read
in the last sentence for para 1 "and
now action on it will be carried
for and supervised" for "and now
action it will be called for and
supervised and in the middle of
para 3 "The Chowdhry appears to
have been constructed" more than 100
years ago" for "The Chowdhry appears
to have been considered more
than 100 years ago"

REVENUE ~~DEPARTMENT.~~

C.F. 31



CURRENT No.

2024 F 7₃

6633

Received

192

Registered

192

Subject.

Buildings - (Bellary) - Bellary taluk and town - Municipal Council
Choultry - Sale.

ENCLOSURES.

No.....

Spare copies.....

Reference No. B.6120/32-4.

Station Madras., Dated the 2nd June 1933.

From

A.R. MacEwen Esq., M.C., I.C.S.,
Secretary,

Land Revenue. &

The Board of Revenue, Revenue Settlement, etc.

~~Separate Revenue~~

The Hon'ble Mr. C.B. Cotterell C.I.E., I.C.S.,
Commissioner of Land Revenue.

~~Resolution~~

Reference.

and the following:-

I

Memorandum from Government, Revenue Department,
No. 3491-F/32-4, dated 4th March 1933.

II

Board's Reference No.B. 6120/32-3, dated 10-3-1933.

Letter from F.W. Stewart Esq., C.I.E., I.C.S.,
Collector of Bellary, No. Ref. C.6349/32-B4 dated 27-5-33.-

Ref:- Board's Refce. No.B.6120/32-3 dated 10-3-1933.

The land in the Goldsmith Street on which the
choultry stands is not separately registered as an isolated
item in the Revenue accounts. It forms part of S.No.499A
which is registered as village-site poramboke in the Revenue

accounts.

2. The building is situated in the heart of the town. Though it is known as a choultry, it is not desirable that it should be used for such a purpose as there are decent people living in the neighbourhood to whom the occupation of this building by the less respectable sort of travellers or by beggars will be nuisance. It has not been proved that it is a charitable endowment to be dealt with under sections 3 to 5 of Regulation VII of 1817 (Madras The Municipality which is in possession of the building and the site on which it stands, has not conclusively proved its title to them. The property is prima facie liable to escheat.

3. The value of the property is estimated at Rs.1,000/-. According to B.S.O. 197 (3) Collectors of districts have power to dispose of cases of escheat where the value of the real property does not exceed Rs.1,000/- asking for the Board's orders only when it may be necessary to institute a suit to obtain possession. In this instance it would be better to arrange the matter with the Chairman, Municipal council. I propose to discuss it with him to see whether there is any other purpose which the site or building will serve, and to take possession or surrender the building to the Municipal Council, whichever seems best. If it proves necessary to alienate the site and building or to institute a suit, I will make a report in due course.

4. The exchange reminder dated 23-5-33 received from the Board is herewith returned.



CURRENT No.

Received 11 OCT 1933 19

Registered 19

Subject.

Buildings-(Bellary)- Bellary taluk and town- Municipa.
Council Choultry- Sale. -

ENCLOSURE

No.

Reference.. No. 'B 6120/32---7

Spare copies.

Station M a d r a s Dated the 16th October 33 '19

From

M.K.Vellodi Esq., I.C.S.,
S e c r e t a r y.

Land Revenue. α

The Board of Revenue, Revenue Settlement, α

Separate Revenue.

A.H.A. Todd Esq., I.C.S.

Commr. of Land Revenue.

Resolution

Reference.

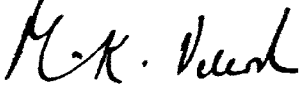
He has adduced no documentary evidence in support of his assertion but relies on the oral testimony of two illiterate old women living in that locality. He further says that the building was once used as a resting place by Municipal sweepers. It does not find place in the inventory of immovable properties maintained by the Municipality under section 64(1) of the District Municipalities Act, and so the Municipality cannot have any claim to it. Further it is not understood why a choultry was built for the Municipal Sweepers and it is also not clear why the building was not required for the sweepers after 1919 when it was rented out to a contractor. The contention of the Chairman, Municipal Council is therefore obviously untenable.

2. As the building is ownerless it is prima facie liable to escheat and has to be disposed of under B.S.O. No.197. As the value of the property is within my power of disposal, I may be permitted to proceed with the case under para.5 of B.S.O.197.

Reference.--

Submitted to Government.

The Board agrees with the Collector that the contention of the Chairman, Municipal Council, Bellary, that the building is the property of the Municipality cannot be accepted. The Collector may be permitted to proceed with the case under para. 5 of B.S.O. 197.


S e c r e t a r y.

DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

21
DEPARTMENT.
Building Bellary m. l. cl. -
Sale of ^{ml} the Choultry buildings
in front of South Street by public
auction - Proposal of the
m. l. cl. not objected to

READ AGAIN G.O. No. _____, dated _____, 19____

19

READ ALSO :—

Ex. No. 16953 From the CNC Bellary, No. 972, dated 27-4 1952.

144140 " " Coll. of Bellary " 1548 " 570. 1932

” ” ” ” ” ” 19

No. _____, dated _____ 19____

The Govt. have no objection
to the proposal of the Bellamy
Trust to sell by public
auction the ^{municipal} school buildings
situated in the Gold District

Choultry. The building does not
also find a place in the register
of immovable property under
Hansb. 1919 Act. So the
ownership of the land cannot be
the property has not been clearly
established. The building is
however reported to be in possession
of the land since 1919. The fact
and not therefore object to the
sale by the land. ch. of the
building by public auction
A draft order is submitted
for approval. It may be
sent to Revenue for final
consideration.

11/10/32
T.S.
11.10.32

1 cr
14/11

Where the title of the local body is not free from doubt, & if the local body fails to apply for the alienation of the land, the rule is that such lands should be ^{not} registered in the re-settlement accounts as foramloke. Please see para 2 of the G.O.

Presumably the land will also be
Dec 18/32 sold with the building. Its extent & market value are not known. This may perhaps be as...

11/9/10-32

S.

The points at which the Celler's remarks were required might have been specified. This report is preliminary. We don't even know whether land now is alienated.

Draft a ref. to the Board for full information. It can come either from here or from L.S.B. as their Dept. wishes

10/10

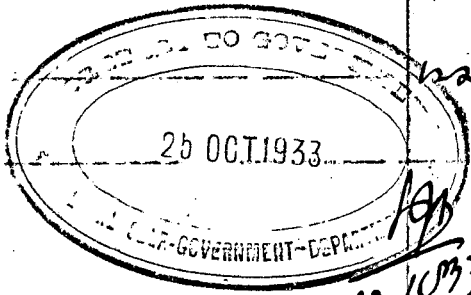
#24 / Leg. Aff.

Submitted ~~and~~ ~~this~~ ~~dept.~~ ~~was~~ there is no objection
after a reference being issued
from the Dev. Department. With
these remarks the file may be returned
to Dev. Dept.

25/10/2
CVR

KR
26/10

For orders whether the B's recommendation may
be accepted. If so, L.S.G. may be requested to
transfer the file to Mr. ... so that orders may be
passed from Mr. ...



42915

23.10.33
S

23.10.33

Rev. Mr. 3491 F32.6

24.10.33

24/10

24/10

L.S.G.

L.S.G. (Lt. Mr. Dept)

property is ~~not~~ to be treated as liable
to escheat & ~~proceeds~~ ^{has to be}
disposed of under B.S.O. No. 197 (Hing. S).
~~according~~ ^{Rev. Dept. need}
not object

ASST
(T. 2. 5)

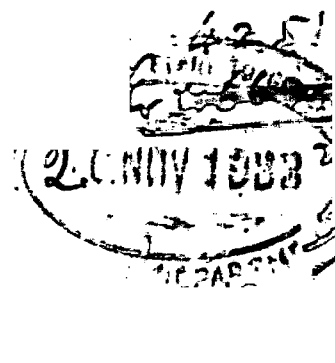
With these remarks
the file may be ~~transferred~~
to Rev. Dept. ^{no} for
disposal

690
8/11/33
CVR
8/11/33

len
9/11.

C
16/11

✓
Sey



B4
1/25/4

Rev.

SE no. 4291510
Dated 17.11.33

Rev. Dept.

To Asst Secy.

~~The Board's recommendation to~~
~~permit the bills to proceed with the case~~
~~under para (5) of B.S.O. No. 197 may be~~
~~accepted. A draft order is submitted for~~
~~approval.~~
^{suppy H. 1307 recommendation}

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying	28/11	[Signature]
When copied ..		
When examined..		[Signature]
When signed ..		
When despatched.		

SUBJECT:---

READ AGAIN _____, dated _____, 19__.

READ ALSO:— C.H.R. Bellary By LC 972/884 D 27 4-32

7-8 of No. 42513/33 From the Board of Rev., LXXV, No. 3491 F/32-2, dated 29-10-1932.

9-11 of " From the " " " " 10-2-1933

15 of " Memo to the " " " 3491 F/32-4 4-3-1933.

17-18 of " From the " " " 14 B. 6120/32-4 2-6-1933.

19-20 of " " " " 14 B. 6120/32-7 16-10-1933.

Order Ms. No. 2186, dated 30.11.1933.

Resolution Rout

The Govt accept the recommendation of the Board of Revenue and permit the Govt of Bellary to take ^{upon} ~~proceed~~ ~~into the case~~ under para 5 of B.S.O. No. 197 in respect of of the choultry in S.M. 4928, 25-11-33 sold ~~to~~ ~~the~~ ~~Govt~~ Bellary town